

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
D E P A R T M E N T O F H E A L T H



*Safe and Healthy Lives in Safe and Healthy Communities*

BOARD OF MEDICAL LICENSURE AND  
DISCIPLINE

C96-323

In the matter of:  
Michael T. Judge, D.O.

**Consent Order**

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (1995 Reenactment) complaints were filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") alleging Michael T. Judge, D.O. Respondent, violated §5-37-5.1 of the General Laws. An investigation was conducted by Investigating Committee I, so called, of the Board.

The following constitutes the Investigating Committee's Findings of Fact with respect to the professional performance of the Respondent.

**Findings of Facts**

The Respondent saw a patient for injuries to her neck, upper back and shoulders related to an automobile accident. Two months later, the patient was released from treatment. The following month, the patient alleged a work-related injury to her neck and shoulders. The next month, the Respondent saw the patient in his office and at a walk-in treatment center for a fall occurring on a Saturday.

The following month, the Respondent wrote a letter to the patient's attorney relating to the automobile accident indicating that the injury to the neck, upper back and shoulders was causally related to the automobile injury. Three months later, the patient was seen by another physician who recorded shoulder and arm pain due to the automobile accident. No mention of the work-related injury or the fall on a Saturday were referenced in his notes.

The next month, the patient underwent an "independent medical exam" in which the neck and left shoulder injuries were noted which allegedly resulted from an auto-accident that occurred on a prior occasion.

Four months later, the patient was involved in yet another automobile accident and was seen by the Respondent who released her from treatment after three months with an evaluation that the patient was back to "pre-treatment" level.

The Respondent, months later, wrote a letter to the Worker's Compensation Court stating that the patient continued to be seen for "work related injuries." Seven-months later, the Respondent wrote a letter to another of patient's attorneys indicating that he was treating the patient for injuries to the neck, shoulders and upper back resulting from the (second) auto accident. This same month, the Respondent wrote a letter to the Worker's Compensation Commission that he was treating the patient for work related injuries to the neck and right shoulder.

During this time period, the Respondent billed two separate insurance companies for the same injuries. On some occasions, for which separate bills were sent, the treatments took place on the same day.

## Conclusions of Law

The Board of Medical Licensure and Discipline concludes that the Respondent has violated §5-37-5.1(16) for making a deceptive claim and misrepresenting material facts in the practice of medicine.

### The parties agree as follows:

- (1) The Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, Osteopathic License number DO-287. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.
- (2) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.
- (3) Respondent hereby acknowledges and waives:
  - a. The right to appear personally or by counsel or both before the Board;
  - b. The right to produce witnesses and evidence in his behalf at a hearing;
  - c. The right to cross examine witnesses;
  - d. The right to have subpoenas issued by the Board;
  - e. The right to further procedural steps except for specifically contained herein;

- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(4) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, a Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The composition of the Hearing Committee votes in favor or finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written finding of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.

(5) Acceptance of this Consent Order constitutes an acknowledgement by the Respondent of the Committee's findings.

(6) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.

- (7) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
- (9) The Respondent agrees to the sanction of a Reprimand. Further, the Respondent agrees to attend the ProBe Evaluation Course in New Jersey and will remain on probation for one year from the date of this Order.

Signed this 7<sup>th</sup> day of March, 2000.

Michael T. Judge MD  
Michael T. Judge, D.O.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on March 8, 2000

Patricia A. Nolan MD, MPH  
Patricia A. Nolan, MD, MPH  
Director of Health  
Chairperson  
Board of Medical Licensure and Discipline